

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JUAN OLBA,

Plaintiff,

vs.

1:09-CV-0696

TIMOTHY O'SULLIVAN, Executive Director,
The Lawyer's Fund for Client Protection;
and MATTHEW KEENAN, Disbarred Lawyer,

Defendants.

Thomas J. McAvoy,
Sr. U.S. District Judge

DECISION & ORDER

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. Randolph F. Treece, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation dated August 14, 2009 recommended that: (1) Plaintiff's complaint be dismissed for failure to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure, or, grant leave for the Plaintiff to amend the complaint pursuant to Rules 8 and 10; and (2) Plaintiff's motion for Leave to Proceed *in forma pauperis* be granted.

Plaintiff filed timely objections to the Report-Recommendation, essentially raising the same arguments presented to

the Magistrate Judge.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff's objections, this Court has determined to accept and adopt in part the recommendation of Magistrate Judge Treece for the reasons stated therein.

It is therefore:

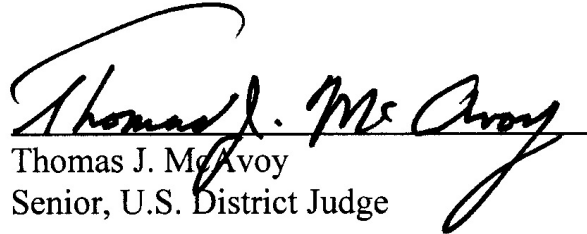
ORDERED, that Plaintiff is **GRANTED LEAVE** to amend his Complaint within 21 days of this Decision and Order such that it complies with Federal Rule of Civil Procedure 8. Plaintiff's amended complaint must follow Rules 8 and 10 of the Federal Rules of Civil Procedure, and the requirements set forth at pages 4-5 of the Report-Recommendation. Should Plaintiff fail to so amend, his action shall be dismissed without further order of the Court; and it is further

ORDERED that Plaintiff's motion for Leave to Proceed *in forma*

pauperis is **GRANTED**.

IT IS SO ORDERED.

Dated: August 24, 2010


Thomas J. McAvoy
Senior, U.S. District Judge